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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/709,809

11/09/2000

Rich Bontrager

462-99-015

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08/03/2004

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EXAMINER

KNEPPER, DAVID D

ART UNIT

PAPER NUMBER

2654

3

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,809

Applicant(s)

BONTRAGER, RICH

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 Feb 2001 (Dec Fee).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's correspondence filed on 12 Feb 2001 (Declaration Fee, paper #2) has been received and considered. Claims 1-42 are pending.

Abstract

2. The Abstract of the Disclosure is objected to because "tuning" is misspelled. Correction is required. See M.P.E.P. § 608.01(b).

Priority Claims

3. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Specification

4. The disclosure is objected to because of the following informalities:
Appropriate correction is required.

Claims

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Belgin (5,220,681).

As per claims 1-42, a communication “apparatus” is taught by Belgin (col. 1, lines 16-21):

“display” (his display 50, figure 1);

“audio synthesizer” (his speech synthesizer 60, figure 1); and

“electronic processor circuit to communicated...and to selectively provide a first signal” (suggested by his micro-controller 20, figure 1).

Belgin clearly teaches a device that is a programmed computer which selectively controls user feedback via a display and a speech synthesizer as noted above. The preferred embodiment is for use in a radio receiver (fig. 1) where the device will communicate the frequency to which the radio is tuned as well as related modes of operational information (see columns 3-4).

It is noted that Belgin does not explicitly teach the term “selectively provide a first signal”. However, he teaches that the claimed information signal may be visually displayed by way of a display unit 50 ... and/or an audible message verbalized to the system user by way of a speech synthesizer 60 (column 3, lines 58-61). He also teaches details whereby the programmed microcontroller 20 monitors operations and is able to automatically generated a ‘warning’ message (claim 4, lines 1-6) to identify anomalies and that the microcontroller may receive

manual control inputs from front panel switches 40. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to utilize any combination of manual and/or programmed controls for any desired combination of one or both visual and/or audible information because Belgin teaches that a computer may be controlled as desired to provide this type of information when combined with a display and a speech synthesizer.

It is noted that Belgin does not explicitly talk about a “malfunction”. However, he clearly recognizes a computer’s ability to monitor an anomaly (col. 4, line 3) which is the same thing as monitoring the system to detect a malfunction. Therefore, it would have been obvious to provide the necessary signal to either the display or the synthesizer if one of them malfunctions because Belgin teaches that it is important to augment prior art avionics equipment to allow indication of the frequency to which the radio is tuned through an existing display or through a voice synthesizer (col. 2, lines 45-49). Based on Belgin’s teaching in col. 4, lines 1-6, one of ordinary skill in the art would expect the prior art system to be able to detect and warn the user of any malfunction. For example, if the display or the synthesizer was to have an anomaly, Belgin’s device would be expected to provide appropriate warning(s) to the user utilizing the remaining I/O available to the computer.

Any known adjustments are obvious because Belgin teaches in column 5, lines 9-12: Control adjustments are readily effected by way of a straightforward modification of the control software through which microcontroller 20 supervises operation of the system. Thus, it would be obvious to control the amount a variety of detail provided by the display or synthesizer in

combination or individually for the generation of user output for regular operational details and also for any detection of anomalies.

Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsunoda and Dolph (4,359,713 and 4,825,385) are cited to show that it is well known to use speech synthesizers to monitor, detect and provide audible warnings for a variety of real-time abnormalities.

Motohiro (JP01313890A) is cited to show that it is well known to use audible output when visual output fails.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

Application/Control Number: 09/709,809

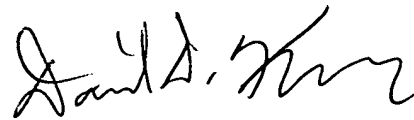
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Paper #3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper

Primary Examiner

Art Unit 2654

July 29, 2004